# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/627,915 | 07/28/2003 | Koichi Yoshimura | 116673 | 3625 |

| 25944 | 7590 | 09/12/2006 |
|---|---|---|

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

| EXAMINER |
|---|
| PHAM, MICHAEL |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2167 | |

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| *Interview Summary* | Application No. | Applicant(s) |
|---|---|---|
| | 10/627,915 | YOSHIMURA ET AL. |
| | Examiner | Art Unit |
| | Michael D. Pham | 2167 |

All participants (applicant, applicant's representative, PTO personnel):

(1) *Michael D. Pham*.                    (3)*Paul Tsou (Reg. 37, 956)*.

(2) *Debbie Le*.                          (4)_____.

Date of Interview: *05 September 2006*.

Type:  a)☐  Telephonic   b)☐  Video Conference
       c)☒ Personal [copy given to: 1)☐ applicant   2)☒ applicant's representative]

Exhibit shown or demonstration conducted:   d)☐ Yes   e)☒ No.
  If Yes, brief description: _____.

Claim(s) discussed: *Independent Claims*.

Identification of prior art discussed: *U.S. Patent 6950847 by Wolff*.

Agreement with respect to the claims f)☐ was reached.   g)☐ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *Applicant's representative has clarified the proposed claims. There was a suggestion for including that the retrieval is done over the network. The proposal further clarifies the claim. In doing so, it appears that the suggestion overcomes the Wolff reference, however the examiner reserves the right to further review the reference and/or perform another search  to determine allowability.  .*

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached.  Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04).  If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

ΠL

Primary Examiner.  9/10/06

Examiner Note:  You must sign this form unless it is an
Attachment to a signed Office action.

Examiner's signature, if required

# Summary of Record of Interview Requirements

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

# OLIFF & BERRIDGE, PLC

### ATTORNEYS AT LAW

August 28, 2006

## FACSIMILE TRANSMISSION COVER SHEET

To:   Examiner M. Pham
U.S. Patent Office
571-273-3924

From:   Mr. Paul Tsou

Your Ref.:   10/627,915                    Our Ref.:   116673

Number of Pages Sent (Including cover sheet):   16

Prepared By:   PT

| Comments: |
|---|
|  |

Sent By:   PT

## Applicant Initiated Interview Request Form

Application No.: __10/627,915__        First Named Applicant: __K. Yoshimura__

Examiner: __M. Pham__      Art Unit: __2167__      Status of Application: __Pending__

**Tentative Participants:**

(1) __Mr. Paul Tsou__                 (2) _____

(3) _____          (4) _____

Proposed Date of Interview: __9/5/06__        Proposed Time: ___2:00___ (PM)

**Type of Interview Requested:**

(1) ☐ Telephonic    (2) ☒ Personal    (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:    ☐ YES          ☒ NO

If yes, provide brief description: _____

## Issues To Be Discussed

| Issues (Rej., Obj., etc) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|---|---|---|---|---|---|
| (1)    103 | 1-7 and 15-21 | | ☐ | ☐ | ☐ |
| (2) | | | ☐ | ☐ | ☐ |
| (3) | | | ☐ | ☐ | ☐ |
| (4) | | | ☐ | ☐ | ☐ |

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

U.S. Patent No. 847 (Wolff) does not disclose retrieval.

_____

_____

_____

An interview was conducted on the above-identified application on _____

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of substance of this interview (37 CFR 1.133(b) as soon as possible.

_____          _____

(Applicant/Applicant's Representative Signature)          (Examiner/SPE Signature)

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**PATENT APPLICATION**

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 22167**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

</div>

In re the Application of

| | |
|---|---|
| Koichi YOSHIMURA et al. | Group Art Unit:  2167 |
| Application No.:   10/627,915 | Examiner:   M. PHAM |
| Filed: July 28, 2003 | Docket No.:   116673 |

PROPOSED

For:   SERVICE RETRIEVAL APPARATUS HAVING AUTOMATIC CHANGE
        FUNCTION FOR RETRIEVAL CONDITIONS AND METHOD THEREFOR

<div align="center">

**AMENDMENT AFTER FINAL REJECTION UNDER 37 CFR §1.116**

</div>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA  22313-1450

Sir:

      In reply to the June 6, 2006 Office Action, please consider the following:

      **Amendments to the Claims** as reflected in the listing of claims; and

      **Remarks.**

Application No. 10/627,915

**Amendments to the Claims**:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1.    (Currently Amended)  A service retrieval apparatus which provides a retrieval service for retrieving a service provided by a server connected to a network in response to a request from a client and returning a result of retrieval, comprising:

a retrieval ~~means which~~ unit that sets a retrieval ~~conditions~~ condition according to the request from ~~said~~ the client and performs a first retrieval for a service ~~retrieves a service~~ based upon the set retrieval ~~conditions~~ condition; ~~and~~

a retrieval result judgment ~~means which~~ unit that judges whether or not a result of the first retrieval ~~by said retrieval means~~ satisfies judgment criteria set in ~~advance,~~ advance; and

~~wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval conditions and performs retrieval again.~~

a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria;

wherein when it is judged that the result of the first retrieval does not satisfy the judgment criteria, the retrieval unit changes the retrieval condition and performs a second retrieval.

2.    (Currently Amended)  The service retrieval apparatus according to claim 1, wherein, when it is judged ~~by said retrieval result judgment means~~ that ~~the~~ a number of one or more services included in the retrieval result has not reached ~~the~~ a lower limit number ~~of services~~ set as the judgment criteria, ~~said~~ the retrieval ~~means~~ unit changes the retrieval ~~conditions~~ condition so as to be wider and performs the second retrieval. ~~retrieval again.~~

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3.      (Currently Amended) The service retrieval apparatus according to claim 2, wherein said the retrieval means unit performs the second retrieval with respect to a new retrieval range excluding the a range for which the first retrieval has already been is performed.

4.      (Currently Amended)  The service retrieval apparatus according to claim 1, wherein, when it is judged by said retrieval result judgment means that the a number of one or more services included in the result of the first retrieval exceeds an retrieval result has exceeded the upper limit number of services set as the judgment criteria, said the retrieval means unit changes the retrieval conditions condition so as to be narrower and performs to perform the second retrieval.retrieval again.

5.  ˙   (Currently Amended)  The service retrieval apparatus according to claim 4, wherein said the retrieval means unit performs the second retrieval with respect to a new retrieval range excluding the a range for which the first retrieval is performed.retrieval has already been performed.

6.      (Currently Amended)  The service retrieval apparatus according to claim 4, wherein said the retrieval means unit performs narrowing narrows down retrieval of the a range for which the first retrieval is performed for performing the second retrieval.retrieval has already been performed.

7.      (Currently Amended)  The service retrieval apparatus according to claim 1, further comprising a reply unit that means which rearranges the result of the retrieval by the retrieval means based upon values with respect to attribute items included in the retrieval conditions, condition, and then returns the retrieval result of the retrieval to said client.

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8.    (Currently Amended) A plurality of service retrieval apparatuses which provide a

retrieval service for retrieving a service provided by a server connected to a network in response

to a request from a client and returning a result of the retrieval, the system comprising:

a service information database which that stores service information including

address information and installation position information of said the server and attribute

information of a service provided by said the server;

a service retrieval apparatus database which, that, when said the network is

divided into a plurality of sub-networks, stores address information and installation position

information of a service retrieval apparatus with each sub-network included in a retrieval range;

a retrieval range setting means which unit that, by retrieving said the service

retrieval apparatus database based upon inputted retrieval conditions, specify specifies one or

more service retrieval apparatuses conforming to the retrieval conditions and set sets sub-

networks, which correspond to said the specified service retrieval apparatuses, as a retrieval

range for the request;

~~retrieval means which causes said retrieval range setting means to set a range for~~

~~retrieval in response to a request from said client and requests its own service retrieval apparatus~~

~~or other service retrieval apparatuses included in the set retrieval range to perform retrieval to~~

~~thereby execute service retrieval; and~~

~~retrieval result judgment means which judges whether or not a result of the~~

~~retrieval by said retrieval means satisfies judgment criteria set in advance,~~

~~wherein, when it is judged by said retrieval result judgment means that the~~

~~retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval~~

~~range corresponding to the request from said client and performs retrieval again.~~

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~~PROPOSED~~

a retrieval unit that executes a first retrieval for a service according to the set retrieval range for the request;

a retrieval result judgment unit that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance; and

a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria;

wherein, when it is judged that the result of the retrieval does not satisfy the judgment criteria, the retrieval unit changes the retrieval conditions and performs a second retrieval.

9.      (Currently Amended)  The service retrieval apparatuses according to claim 8, wherein, when it is judged ~~by said retrieval result judgment means~~ that ~~the~~ a number of one or more services included in the ~~retrieval~~ result of the retrieval ~~has~~ does not ~~reached the~~ reach a lower limit number ~~of services~~ set as the judgment criteria, ~~said~~ the retrieval ~~means~~ unit changes the retrieval conditions ~~according to the request from said client so as~~ to be wider ~~and performs~~ to perform the second retrieval.~~retrieval again.~~

10.      (Currently Amended)  The service retrieval apparatuses according to claim 9, wherein ~~said~~ the retrieval ~~means~~ unit performs the second retrieval with respect to a new retrieval range excluding ~~the~~ a range for which the first retrieval ~~has already been~~ is performed.

11.      (Currently Amended)  The service retrieval apparatuses according to claim 8, wherein, when it is judged ~~by said retrieval result judgment means~~ that ~~the~~ a number of one or more services included in the ~~retrieval result has exceeded the~~ result of the first retrieval exceeds an upper limit number ~~of services~~ set as the judgment criteria, ~~said~~ the retrieval

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means-unit changes the retrieval conditions corresponding to the request from said client so as to be narrower and performs to perform the second retrieval retrieval again.

12. (Currently Amended) The service retrieval apparatuses according to claim 11, wherein said the retrieval means-unit performs the second retrieval with respect to a new retrieval range excluding the a range for which the first retrieval has already been is performed.

13. (Currently Amended) The service retrieval apparatuses according to claim 12, wherein said the retrieval means-unit performs narrowing narrows down retrieval of the a range for which the first retrieval has already been is performed to perform the second retrieval.

14. (Currently Amended) The service retrieval apparatuses according to claim 8, further comprising a reply means which-unit that rearranges the result of the retrieval by said retrieval means based upon values with respect to attribute items included in the retrieval conditions, and then returns the retrieval result of the retrieval to said client.

15. (Currently Amended) A client apparatus which retrieves a service provided by a server connected to a network in response to a service retrieval request and sends the service retrieval request to a service retrieval apparatus providing a retrieval service for returning a result of the retrieval, comprising:

retrieval result receiving means which receives a retrieval result sent from said service retrieval apparatus in response to the service retrieval request;

selection means which selects one or more attribute-item items, magnitudes of which can be compared, from attribute items included in retrieval conditions of the service; and

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Application No. 10/627,915

PROPOSED

output means which rearranges a plurality of items of service information

included in the retrieval result based upon values of the attribute items selected by said selection

means included in each item of service information to output the service information.

16.     (Currently Amended)  A service retrieval method which retrieves a service

provided by a server connected to a network in response to a request from a client and returns a

result of the retrieval, comprising:

a retrieval step of setting a retrieval conditions condition in response to a request

of the client client;

and retrieves a service based upon performing a first retrieval for a service based

upon the set retrieval conditions;condition;

a retrieval result judgment step of judging whether or not a result of the first

retrieval by said retrieval step satisfies judgment criteria set in advance; and

a reply step of returning the result of the retrieval which is judged to satisfy the

judgment criteria by said retrieval means to said the client,client; and

wherein, when it is judged by said retrieval result judgment step that the retrieval

result of the retrieval does not satisfy the judgment criteria, said retrieval step changes changing

the retrieval condition conditions and performs to perform a second retrieval.retrieval again.

17.     (Currently Amended)  The service retrieval method according to claim 16, further

comprising:

wherein, when it is judged by said retrieval result judgment step that thea number

of one or more services included in the retrieval result of the retrieval has does not reached the

reach a lower limit number of services set as the judgment criteria, said retrieval step changes

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changing the retrieval ~~conditions of said definition to be~~ wider ~~and performs~~ to perform the second retrieval.~~retrieval again.~~

18.    (Currently Amended)  The service retrieval method according to claim 17,

wherein ~~said retrieval means performs retrieval~~ the second retrieval is performed

with respect to a new retrieval range excluding ~~the~~ a range for which the first retrieval ~~has~~

~~already been~~ is performed.

19.    (Currently Amended)  The service retrieval method according to claim 16 further

comprising:

~~wherein,~~ when it is judged ~~by said retrieval result judgment step~~ that ~~the~~ a number

of one or more services included in the ~~retrieval result has exceeded the~~ result of the first

retrieval exceeds an upper limit number ~~of services~~ set as the judgment criteria, ~~said retrieval step~~

~~changes~~ changing the retrieval ~~conditions so as~~ condition to be narrower ~~and performs retrieval~~

~~again.~~ to perform the second retrieval.

20.    (Currently Amended)  The service retrieval method according to claim 19,

wherein a range for which the first retrieval is performed is narrowed down to

perform the second retrieval. ~~said retrieval step performs narrowing down retrieval of the range~~

~~for which retrieval has already been performed.~~

21.    (Currently Amended)  The service retrieval method according to claim 16, further

comprising ~~a reply step of~~ rearranging the result of the retrieval ~~by said retrieval step based upon~~

~~values~~ with respect to attribute items included in the retrieval ~~conditions~~ condition, and ~~then~~

~~returns~~ returning the rearranged ~~retrieval~~ result of the retrieval to ~~said~~ the client.

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Application No. 10/627,915

## REMARKS

Claims 1-21 are pend~~ing.~~ ~~Claims 1-14~~ and 16-21 are amended for clarity.

PROPOSED

Entry of the amendments to claims 1-14 and 16-21 is proper under 37 CFR §1.116 because

the amendments: a) place the application in condition for allowance (for all the reasons discussed

herein); b) do not raise any new issues requiring further search or consideration; and c) place the

application in better form for appeal (if necessary). Accordingly, entry is proper under 37 CFR

§1.116.

The Office Action rejects claims 1-7, and 15-21 under 35 U.S.C. §103(a) over U.S. Patent

No. 6,950,847 (Wolff) in view of U.S. Patent No. 5,761,496 (Hattori); and claims 8-14 over Wolff

in view of Hattori and further in view of the Background of the Application. These rejections are

respectfully traversed.

The Office Action asserts that Wolff "essentially ... is a retrieval system." (See Office

Action, page 20, line 16.) The Office Action arrives at this conclusion because Wolff discloses an

up-to-date database of available services and for responding to user service requests by distributing

services at the client systems. However, Wolff explicitly disclosed that the service provider system

does not retrieve information based on client service requests. Rather, Wolff disclosed that service

providers

> acts to discover each service manager linked to the network 132
> through which it desires to offer services and to register with each.
> In one embodiment, registration includes transferring a service proxy
> of the implemented service 140, 152 to the service manager 160 and
> may include obtaining a lease at the service manager 160 and
> maintaining the lease to remain listed as an available service.

(See Wolff, C6/L46-53, emphasis added.) Thus, instead of retrieving various service proxies

(programs that implement the service) from service providers, Wolff disclosed that the service

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providers seek out service managers and then offer their services and registers with each of the service manager. There is no retrieval involved.

**PROPOSED**

As indicated above, service proxies are executable code that define and implement a service implementation provided by one of the service providers. (See Wolff, C5/L64-67.) Thus, a service manager receives service proxies from various service providers and saves the service proxies and selects from stored service proxies to satisfy client server's requests.

In view of the above, Wolff does not disclose or suggest retrieving service proxies. Rather, service providers register with the service manager and deposit their respective service proxies so that the service manager may select an appropriate service proxy to satisfy a client service request.

The Office Action further asserts that Wolff discloses modifying client requests or subscriptions citing disclosure in Wolff regarding matching and filtering available service proxies based on methods or functions included in the service's requests. (See Office Action, page 22, lines 10-16.) The Office Action cites Wolff at col. 8, lines 8-14. Wolff does not disclose modifying client requests or service subscriptions. The "matching" and "filtering" refers to Wolff processing service proxies to select a service proxy that best fits the client request or subscription. There is no modification of requests or subscriptions.

Further, Applicants respectfully submit that Wolff does not disclose retrieval much less modification of requests or subscriptions for retrieval. Rather, Wolff disclosed "matching may involve filtering the available service proxies based on methods or functions included in the service request." That is, the available service proxies are those service proxies that have been deposited by the service providers into the service manager. This is not a retrieval process. The service manager already has the service proxies in its storage. The "matching" and "filtering" referred to by the Office Action is a service manager process that examines the available service proxies and selects

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from the available service proxies those service proxies that it determines to best match the
requirements in the service requests. Again, there is no retrieval; there is no modification of service
requests; and there are no keywords nor retrieval expressions. Rather, Wolff discloses examining
the available service proxies to determine which of these available service proxies best conform to
the service requests.

In view of the above, the Office Action assertion that Wolff discloses essentially a retrieval
system is incorrect. Wolff does not disclose a retrieval system. Instead, information is registered
with Wolff's system, and the service managers disclosed in Wolff selects from the registered service
proxies to satisfy client service requests. Accordingly, Wolff does not disclose or suggest a service
retrieval apparatus, as recited in claims 1, 8 and 15 and retrieving step that retrieves a service as
recited in claim 16.

In view of the above, one of ordinary skill in the art would not have been motivated to
modify Wolff with Hattori because there is nothing in Wolff that discloses or suggests a retrieval
system. Thus, one of ordinary skill in the art would not have been motivated to add an information
retrieval system as disclosed in Hattori when no such retrieval system is needed, taught or
suggested in Wolff. The Office Action is engaging in hindsight reconstruction and has not made
out a *prima facie* case of obviousness.

Further, Wolff and Hattori do not disclose or suggest the judgment criteria set in advance, as
recited in claims 1, 8 and 16. Wolff does not need a judgment criteria to evaluate a retrieval result
because Wolff does not disclose any retrieval.

Hattori discloses:

     1. Embodiment 1

     ...

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> First the retrieval **PROPOSED**110 reads a retrieval request, including input keywords set up by the user and input keyword importance degrees, under control of the control section 100 when the user enters them at the keyboard input section 101.
>
> The retrieval management section 120 sets up retrieval parameters and, in addition, retrieves data on a trial and error basis via the **relation keyword generation section 121, retrieval expression generation section 122, relevance database management section 123**, relation data acquisition section 124, and database management section 125. That is, the retrieval management section 120 execute a sequence of operation repeatedly on a trial and error basis; it sets up retrieval parameters, **causes the relation keyword generation section 121 to generate relation keywords, causes the retrieval expression generation section 122 and the relevance database management section 123 to automatically generate a similarity retrieval expression satisfying user's retrieval needs,** and causes the database management section 125 to execute retrieval. While performing a sequence of operation on a trial and error basis, the retrieval management section receives relation data via the relation data acquisition section 124 and stores it in the relevance database 126.
>
> More specifically, **the relation keyword generation section 121 uses background knowledge, stored in the background knowledge storage sections 140, to generate relation keywords from the retrieval request input section 110 with retrieval parameters as thresholds. ...**

(Hattori, C9/L28 and C10/L1-28, emphasis added.) Here, Hattori discloses that the user

keyword search is performed by generating retrieval parameters, relation keywords,

and a retrieval expression, all of which are generated during the search, thus not in

advance, based on information stored in the background knowledge storage, for

example. Thus, Hattori does not disclose or suggest a judgment criteria that are set in

advance, as recited in claims 1, 8 and 16.

The specification discloses on page 26, line 15-page 27, line 12, for example, that the

judgment criteria may specify upper and lower limits of the number of services in the retrieval

result before a judgment result is returned. On the other hand, Hattori is directed to a general

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keyword retrieval system that assists a user for searching a database by specifying keyword and PROPOSED

keyword importance degrees. Hattori does **not** disclose judgment criteria set in advance. Thus, Hattori does not disclose the subject matter recited in claims 1, 8 and 16.

In view of the above, Wolff and Hattori individually would not have rendered obvious the subject matter recited in claims 1, 8, 15 and 16. Claims 2-7, 9-14 and 17-21 depend from claims 1, 8, 15 and 16. Accordingly, Wolff and Hattori individually would not have rendered obvious the subject matter recited in claims 1-21. Withdrawal of the rejection of claims 1-21 under 35 U.S.C. §103 is respectfully solicited.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Paul Tsou
Registration No. 37,956

JAO:PT/cks

Date: PROPOSED

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Application No. 10/627,915

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

-14-